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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,365	07/14/2004	Juan Tomas Arias	9303-30	7563
20792	7590	09/06/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			TIEU, BINH KIEN	
PO BOX 37428			ART UNIT	PAPER NUMBER
RALEIGH, NC 27627			2614	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,365	ARIAS ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1,7 and 8 is/are rejected.
- 7) ☐ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guenther et al. (US. Pat. #: 6,438,226) in view of Morgenstern (US. Pat. #: 6,768,794).

Regarding claim 1, Guenther et al. (Hereinafter, "Guenther") teaches a connection architecture for XDSL lines comprising:

Filters and/or splitters located in an intermediate distribution frame (see figures 1 and 5, note col.5, lines 35-54; col.6, lines 50-65 and figure 9, col.7, line 66 through col.8, line 9; and patented claim 1, col.9, lines 24-50).

It should be noticed that Guenther failed to clearly teach a test table connected directly to the intermediate distribution frame independently of any digital subscriber line access multiplexer (DSLAM). However, Morgenstern teaches a test table such as a test box 23, as shown in figures 1 and 2 (see col.3, lines 13-22) for a purpose of allowing a service technician to readily test the mixed data and voice signals passing between the MDF and the splitter device.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the test table connected directly to the intermediate distribution frame independently of any DSLAM, as taught by Morgenstern, into view of Guenther in order to test the data signals passing through the MDF and splitters.

4. Claims 1 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guenther et al. (US. Pat. #: 6,438,226) in view of Sajadi et al. (Pub. No.: US 2004/0120508 A1).

Regarding claim 1, Guenther teaches a connection architecture for XDSL lines comprising:

Filters and/or splitters located in an intermediate distribution frame (see figures 1 and 5, note col.5, lines 35-54; col.6, lines 50-65 and figure 9, col.7, line 66 through col.8, line 9; and patented claim 1, col.9, lines 24-50).

It should be noticed that Guenther failed to clearly teach a test table connected directly to the intermediate distribution frame independently of any DSLAM. However, Sajadi et al. (Hereinafter, "Sajadi") teaches a test table such as Loop Qual Tester 1018 as shown in figures 24, 25 and 29 (see paragraphs [0079] through [0081]) for a purpose of allowing a remote or local technician to interrogate the suspect component or card and perform a desired diagnostic test.

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Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the test table connected directly to the intermediate distribution frame independently of any DSLAM, as taught by Sajadi, into view of Guenther in order to allow a remote or local technician to interrogate the suspect component or card and perform a desired diagnostic test.

Regarding claim 7, Sajadi further teaches limitations of the claim in figure 25, and paragraphs [0057], [0066]-[0068], [0080] and [0081].

Regarding claim 8, see bypassing or removing a POTS splitter in paragraph [0070].

Allowable Subject Matter

5. Claims 9-15 are allowed.

6. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to clearly teach or fairly suggest an intermediate distribution frame comprising, inter alia, ***at least one smart card configured to allow digital monitoring of filter associated with the filter and/or splitter cards located in said intermediate distribution frame***, as substantially recited in the dependent claim 2 and independent claim 9.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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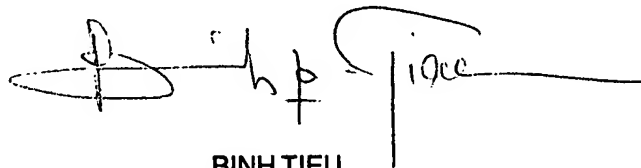
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A handwritten signature in black ink, appearing to read 'Binh Tieu', is written over a horizontal line.

BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: August 2006